

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shannon Sassone	Team: Squad #12	CCRB Case #: 202102051	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/30/2021 5:45 PM	Location of Incident: § 87(2)(b)	Precinct: 32	18 Mo. SOL 9/30/2022	EO SOL 9/30/2022	
Date/Time CV Reported Tue, 03/30/2021 9:25 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 03/30/2021 9:25 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Melanie Paganmerritt	27997	946090	032 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT James Cleary	01241	946866	032 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Melanie Paganmerritt	Abuse: Police Officer Melanie Paganmerritt threatened to issue summons to § 87(2)(b)	§ 87(2)(b)

Case Summary

On March 30, 2021, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On March 30, 2021 at approximately 5:45 p.m., § 87(2)(b) was closing her business located at § 87(2)(b) in Manhattan. This establishment is near the 32nd Precinct stationhouse, which is located at 250 West 135th Street. PO Melanie Paganmerritt saw § 87(2)(b)'s parked vehicle and approached § 87(2)(b) and said, "I told you to move car. I am going to give you a summons. This isn't my first time speaking with you" (**Allegation A: Abuse of Authority**, § 87(2)(g)). No summons was issued, and no arrests were made following this interaction.

The CCRB obtained cellphone video and BWC footage which does not show evidence of the allegation (Board Review 2, 3, 10, and 11).

Findings and Recommendations

Allegation (A) Abuse of Authority: Officer Melanie Paganmerritt threatened to issue a summons to § 87(2)(b)

In her official CCRB interview (Board Review 1), § 87(2)(b) stated that on March 30, 2021, at approximately 5:45 p.m., she closed her store, which is located at § 87(2)(b) in Manhattan. § 87(2)(b)'s car was parked near the 32nd Precinct stationhouse, which is located at 250 West 135th Street. As she locked the doors of her business, § 87(2)(b) heard PO Paganmerritt yelling from across the street. PO Paganmerritt said to § 87(2)(b) "I told you to move car. I am going to give you a summons. This isn't my first time speaking with you." PO Paganmerritt repeated this approximately two or three more times as she walked away from § 87(2)(b) Street towards the 32nd Precinct stationhouse. § 87(2)(b) followed PO Paganmerritt into the stationhouse and asked, "What do you mean, move my car?" In a conversation that continued for approximately 30 seconds, PO Paganmerritt asked § 87(2)(b) how many times they were going to have this conversation and told § 87(2)(b) that she needed to move her car. § 87(2)(b) insisted she had never spoken to PO Paganmerritt before and that she was parked in a legitimate parking space. § 87(2)(b) requested to speak with a supervisor, and ultimately spoke with an officer identified by the investigation as Sergeant James Cleary. When § 87(2)(b) spoke with Sergeant Cleary, PO Paganmerritt walked away. After exiting the stationhouse and viewing § 87(2)(b)'s vehicle, Sgt. Cleary confirmed that § 87(2)(b)'s vehicle was parked legally.

§ 87(2)(b) provided the investigation with a cellphone video that she recorded during the incident (Board Review 2). The video depicts an interaction between § 87(2)(b) and PO Paganmerritt that begins on the steps of the stationhouse and moves inside the stationhouse shortly thereafter. PO Paganmerritt is depicted asking § 87(2)(b) how many times she must ask her to move her car for the RMPs. § 87(2)(b) repeatedly explains that she has never seen PO Paganmerritt before or spoken to her. PO Paganmerritt explains that she has been working at the 32nd Precinct for 13 years and tells § 87(2)(b) she must move her car. The provided cellphone video does not depict PO Paganmerritt threatening to summons § 87(2)(b). The video does not show that § 87(2)(b) moved her vehicle at any point during the interaction.

The investigation received BWC footage from Sgt. Cleary (Board Review 3) that was recorded on March 30, 2021 between the hours of 5:00 p.m. and 6:00 p.m. In Sgt. Cleary's BWC footage, he is depicted speaking with § 87(2)(b) inside the lobby of the stationhouse. Sgt. Cleary follows § 87(2)(b) into the street and explains to § 87(2)(b) where she can and cannot park in accordance to the

“No parking” signs. Sgt. Cleary walks with § 87(2)(b) to where her car is parked, tells § 87(2)(b) she is parked legally, and that PO Paganmerritt was incorrect. Sgt. Cleary asks § 87(2)(b) if she had moved her vehicle after speaking with PO Paganmerritt. § 87(2)(b) informed Sgt. Cleary that she did not move her vehicle prior to speaking with him. Sgt. Cleary tells § 87(2)(b) he will speak with PO Paganmerritt as it may be a misunderstanding and confirms again that § 87(2)(b) is parked legally.

In her testimony to the CCRB (Board Review 4), PO Paganmerritt stated she saw a vehicle parked in a “No parking zone” and went to address the parking violation. PO Paganmerritt approached the vehicle and § 87(2)(b) who was standing with the vehicle. PO Paganmerritt knew the car was associated with § 87(2)(b) because § 87(2)(b) had acknowledged the vehicle as hers a week prior when the vehicle was parked in a “No parking zone.” PO Paganmerritt told § 87(2)(b) she would be issued a summons if she did not move her vehicle. PO Paganmerritt recalled mentioning the issuance of a summons to § 87(2)(b) at least once. Sgt. Cleary subsequently spoke with § 87(2)(b) PO Paganmerritt walked away from § 87(2)(b) and Sgt. Cleary to relieve another officer and did not hear the conversation with § 87(2)(b) and Sgt. Cleary or hear about it after the fact.

As per PO Paganmerritt’s statement to the CCRB, it is undisputed that PO Paganmerritt threatened to issue a summons to § 87(2)(b) for parking in a “no standing” parking space. § 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- PO Paganmerritt has been a member of service for thirteen years and has been a subject in 4 CCRB complaints and 9 allegations, of which one was substantiated (Board Review 7).
 - 201508695 involved substantiated allegations of Abuse – Other for an improper detention. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.
 - § 87(2)(g)

Mediation, Civil, and Criminal Histories

- § 87(2)(g)
- As of June 21, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 8).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: ____12____

Investigator: Shannon Sassone
Signature

Investigator Shannon Sassone
Print Title & Name

6/25/2021
Date

CCRB Case # 202102051

Squad Leader: Carlmais Johnson IM Carlmais Johnson June 28, 2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date